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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,066	05/07/2001	Tongwei Liu	HP-10012392	2859

7590 06/07/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, CO 80527-2400

EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2167

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/851,066

Applicant(s)

LIU ET AL.

Examiner

Miranda Le

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

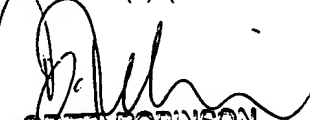
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

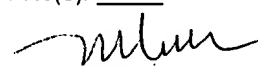
REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____


GRETCHEN ROBINSON
PRIMARY EXAMINER


Miranda Le
June 3, 2005

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

Applicant's arguments have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation. Applicants are reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claimed as explained below. The Examiner is not limited to Applicants' definition which is not specifically set forth in the claims. In re Tanaka et al., 193 USPQ 139, (CCPA) 1977.

Applicant argues that Rucker reference does not teach/suggest claim 1, 8, 15, 22's feature of "using said information with a second classification tool instead of with said first classification tool to classify said record in response to determining that said first classification tool requires a particular item of information that is missing from said information". And the cited references taken individually or in combination fail to teach or suggest the claim limitation.

The Examiner respectfully disagrees for the following reasons:

Agrawal discloses a system and method (i.e. first tree classification tool) for classify a product having a set of information and attributes (col. 3, lines 52-59). Agrawal discloses using said information with a first classification tool (i.e. a classifier is generated using information product adapted to classify said record (col. 3, lines 60-67). Although Agrawal do not specifically disclose using second classification tool to predict the class membership of a record where information for one or more of the variables in the record is missing, Rucker, however, discloses a second classification tool to classify a record to provide a new set of recommendations of relevance to the selected information objects. In the present example, the system could construct a new target category linked to a single information object record (col. 6, lines 38-42).

According to the present invention, the classification 320 of record 306 is used to select content that can be targeted to the customer identified by record 306, e.g. based on the classification 320 of record 306, particular types of advertisements or promotions may be directed to the customer associated with the record 306 (Specification, page 12, lines 21-31); similarly, Rucker discloses a second classification tool for recommending the categories of information objects (i.e. missing information) (See Abstract) based on the target category specified by a user (Fig. 4), and a hierarchy of categories to be used for the entire users at col. 7, lines 47-52, and such recommendation of information object A will be delivery to the user (col. 5, line 36). For example, Wilma submits a product category 310 having two relevant information object B and C to recommendation system (col. 4, lines 51-63), and Wilma receives a recommendation of information object A (i.e. missing information) in the context of her "Page" category as illustrated by broken line 317 in Fig. 3 (col. 5, lines 34-44).

In response to applicant's argument that "the Rucker just simply provides information on common information object records to a target category", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The Examiner believes that the Applicants have failed to determine the level of ordinary skill as taught by Rucker.

The use of the knowledge would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the teachings of Agrawal with the teachings of Rucker to include "using said information with a second classification tool instead of with said first classification tool to classify said record in response to determining that said first classification tool requires a particular item of information that is missing from said information" because they both teach methods for classifying and recommending products or other items to individual users of an electronic commerce system, and the incorporation of Rucker in the combined system would have enhanced the performance of the system by accurately and predictably presenting users with recommendations relevant to their current tasks and activities.